

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**In re Application of:** Michael Benser; Ruth Lyons; and Eric Falkenberg

**Serial No.:** 10/765,625

**Art Unit:** 3766

**Filed:** January 26, 2004

**Examiner:** E. Wu

**For:** AUGMENTING HYPOVENTILATION

**Docket No.:** A04P1009

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**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being electronically  
filed on:

May 4, 2007

  
Melinda E. Hallmark

Date

Sir:

In the Office Action mailed March 12, 2007, for which a one-month extension of time is hereby requested, the Examiner has identified three patentably distinct inventions, namely Invention I corresponding to claims 1-31, Invention II corresponding to claims 32-34, and Invention III corresponding to claims 35-38. The Examiner has required Applicants to elect one invention. Therefore, Applicants elect Invention I corresponding to Claims 1-31. This election is made without traverse.

Please amend the application as follows.